

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

GEORGIANNA A.M. GIAMPIETRO)

Case No.
2:19-cr-00013

CHIEF JUDGE CRENSHAW

BEFORE THE HONORABLE

CHIEF DISTRICT JUDGE WAVERLY D. CRENSHAW, JR.

TRANSCRIPT OF PROCEEDINGS

September 10, 2021

APPEARANCES:

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I N D E X

Friday, September 10, 2021

<u>COURT'S EXHIBIT</u>	<u>MARKED FOR I.D.</u>	<u>RECEIVED IN EVD.</u>	<u>WITH-DRAWN</u>
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1 The above-styled cause came on to be heard on
2 September 10, 2021, before the Honorable Waverly D.
3 Crenshaw, Jr., Chief District Judge, when the following
4 proceedings were had, to-wit:

5 THE COURT: All right. Be seated. Good morning.

6 So we're here on Case 19-13, *United States of*
7 *America versus Giampietro*. And the Court's advised that
8 Ms. Giampietro is quarantined due to the ongoing outbreak of
9 COVID-19.

10 So Mr. Swift I'm going to order you to get an
11 official transcript and make sure she gets a copy of it to
12 read.

13 MR. SWIFT: We will, Your Honor.

14 THE COURT: Today is more for scheduling and
15 preparation for the same.

16 So I think -- as we discussed the last time,
17 Mr. Swift -- both parties have given me filings. I've read
18 them, digested them. And what I want to do when we leave
19 from here is for you to have an understanding that if I issue
20 an order allowing you to do the examination you know what the
21 parameters of the examination are.

22 So to facilitate that I've created a document that
23 I'm going to share, questions 1 through 9, that I think do a
24 pretty fair job of creating the parameters, and then a second
25 document that with Mr. Swift's permission I'm going to share.

1 I've highlighted in yellow the questions that I think are
2 proper given the parameters. So we're going to pass that out
3 to the lawyers. There are three copies. And I'm going to
4 ask you all to return them when we're done.

5 Yeah. There you go. You should have two
6 documents, Mr. Swift.

7 So the record's clear, I've given the lawyers only
8 two documents, one styled *United States versus Giampietro*,
9 with the case number 19-13. And that first document is a
10 single-page document where the Court has identified what I
11 believe are relevant areas for questioning, 1 through 9.

12 In summary, the questions the Court believes are
13 appropriate focus upon -- allows the defendant to delve into
14 what occurred on June the 25th, 2018, in the hotel room with
15 defendant and others.

16 Then the second document I've shared with the
17 lawyers is a multi-page document, 21 pages. At the top,
18 right-hand corner it should have a little asterisk. And I've
19 highlighted in yellow what I think would be proper questions
20 for Mr. Swift to delve into, consistent with the parameters.

21 Again, the things in yellow will be permitted or
22 -- I'm here for -- I hope at the end of this we'll have
23 agreement on the things in yellow. So. . .

24 Starting on page 2, it just allows normal
25 questions about background. The same is true on page 3. And

1 really when you get to page 4, 5, we get into the meat and
2 substance of events of -- of the event on June the 25th.

3 From page 5 to page 21 some foundational questions
4 may be dispositive of the questions I've highlighted in
5 yellow.

6 So Mr. Swift, I'll give you a moment to -- I
7 guess -- I guess -- Mr. Swift, give you a moment -- given the
8 parameters and my take on the questions asked, take a look at
9 that and give me some feedback. And then I need the
10 Government to tell me if the parameters I've set appear to
11 the Government to be appropriate.

12 MR. SWIFT: Your Honor --

13 THE COURT: All right.

14 MR. SWIFT: -- just for the record, generally -- I
15 completely understand what the parameters are. There are a
16 couple of areas that would appear to be off limits but I'd
17 ask for consideration depending on a foundational part. One
18 that's discussed is that benefits are --

19 THE COURT: What page are you looking at?

20 MR. SWIFT: I'll start on page 1.

21 You know, we talked about benefits on that day.
22 The purpose of the terrorist watch list assistance and
23 immigration benefits was that those were other benefits, and
24 I wanted to be able to ask in some way that -- the
25 understanding on benefits. I could ask the question

1 generically as benefits of any kind or consideration or any
2 promises made to you for cooperation.

3 THE COURT: So look at question 27. We could
4 modify that to say have you ever received any money, payment,
5 or benefits --

6 MR. SWIFT: Okay.

7 THE COURT: -- from the United States Government
8 for work on this case.

9 MR. SWIFT: I'll do that, Your Honor.

10 THE COURT: If the answer is no, that's that.

11 MR. SWIFT: The next one has to do with the
12 religious part on it.

13 THE COURT: What page?

14 MR. SWIFT: This would be on page 3.

15 THE COURT: Okay.

16 MR. SWIFT: Religious figures served as -- part on
17 it -- is I'm -- one of the reasons that I asked question
18 44 -- and I could combine them into a single question -- is
19 that -- depending on the board of a mosque, some people hire
20 imams; some people who are more traditional hire religious
21 scholars. An imam historically in a mosque was actually the
22 caretaker. That position has evolved. But I wouldn't want
23 him to say, no, I've never been hired as a mosque [sic], when
24 he is, in fact, the religious scholar, which would be the
25 equivalent of what you would think of the leader of the

1 congregation, under the board's contract. So I just --

2 THE COURT: If we change 43 to say as the imam
3 or --

4 MR. SWIFT: Religious scholar.

5 THE COURT: Or -- religious scholar or Islamic
6 scholar?

7 MR. SWIFT: Islamic scholar. Islamic scholar.
8 For the purposes of next week it would be --

9 THE COURT: Well, let's finish this. Anything
10 else with the 21-page document, especially the matters in
11 yellow?

12 MR. SWIFT: Yes.

13 THE COURT: Go ahead.

14 MR. SWIFT: And this part is at area 6 -- yeah,
15 when we go to the text --

16 THE COURT: Page 6?

17 MR. SWIFT: Page 6. Yes.

18 THE COURT: Go ahead.

19 MR. SWIFT: The Hadith would be -- I don't know
20 that it's necessary for the 21st. But if called as a witness
21 at trial, I would want to lay foundation with the person so
22 that the jury could understand what a Hadith is.

23 THE COURT: You're going to have other experts to
24 do that.

25 MR. SWIFT: I can do that.

1 THE COURT: Yeah.

2 MR. SWIFT: Okay. I don't have anything else,
3 Your Honor.

4 THE COURT: So let me turn to the Government.

5 First, the Government's comfortable with this
6 one-page document, the parameters, correct?

7 MS. RISINGER: That's correct, Your Honor.

8 THE COURT: And now having had an opportunity to
9 look at the things in yellow as -- as Mr. Swift and I just
10 modified ever so slightly, any -- any concerns the Government
11 has about these questions, the ones in yellow?

12 MS. RISINGER: Your Honor, would you mind giving
13 us about -- since this is the first time we are seeing them,
14 about 15 minutes or so to go through each one of the
15 highlight -- the yellow highlighted questions?

16 THE COURT: You're going to do that here in the
17 courtroom, though?

18 MS. RISINGER: Yes. We can do it right here. I
19 just -- I think we might need a few minutes.

20 THE COURT: And then, before we break, you all
21 might want to talk about a schedule. I want to talk about
22 the schedule, I guess.

23 So Mr. Swift, we've got the proposed 22nd all day.
24 22nd of September?

25 MR. SWIFT: Yes. Yes, Your Honor.

1 THE COURT: Okay. So keep that on your calendar.
2 And then add to that, as a possibility if we can,
3 are you available the 21st from 9 to 2:00?

4 MR. SWIFT: One moment, Your Honor.

5 MS. RISINGER: Not the 21st, Your Honor. For
6 Mr. Swift it would be the 24th, in the afternoon. The 21st
7 was other issues.

8 THE COURT: Okay. So let's go to the 24th, from 1
9 to 5. Could you do that if we don't do the 22nd?

10 MR. SWIFT: Yes, I can, Your Honor.

11 THE COURT: Okay. Put that on your calendar. And
12 put a hold on it for me.

13 MR. SWIFT: 24th and 22nd is held.

14 THE COURT: Good. And then -- Ms. Giampietro is
15 not here, but -- so for the trial date, for you all to think
16 about, and given my calendar, the best time for the Court,
17 and to give you all uninterrupted time, we would start the
18 trial on Tuesday, February the 22nd, go all that week and
19 then all of the week of February 28th. That takes us to
20 March the 4th. And if we're -- if for whatever reason we
21 need to bleed over just a little bit, I could -- I could do
22 that. So just jot those down, and we'll come back to that.

23 So I'll give you all 15 minutes or so.

24 (Recess.)

25 THE COURT: All right. We're back on the record.

1 So I do think I need to clarify the record here.

2 I'm going to place these two documents -- make
3 them Court Exhibit 1 and 2. The one page will be Court
4 Exhibit 1, under seal, and the second page will be Court
5 Exhibit 2, under seal. So the record's clear.

6 (Whereupon Court Exhibits 1 and 2 were received in
7 evidence.)

8 THE COURT: So now that the Government's had a
9 chance -- any clarifications you want to offer?

10 MS. RISINGER: Yes, Your Honor. With regards to
11 page 3 of -- with regards to question 40, we wanted to ask
12 Mr. Swift to confirm that he is asking that question in real
13 life.

14 MR. SWIFT: Yes. Yeah. It's not. . .

15 MS. RISINGER: Okay.

16 MR. SWIFT: It's. . .

17 MS. RISINGER: Thank you.

18 THE COURT: I think that's --

19 MS. RISINGER: And same with 43.

20 MR. SWIFT: Yes.

21 THE COURT: Yeah. Good.

22 MS. RISINGER: And the only other thought the
23 Government had was before all of the discussions and messages
24 starting on page 6, that a foundational question be asked
25 about whether he ever even had communications before,

1 after -- or --

2 THE COURT: So the record's clear, foundational
3 questions that he had any contact before or after June the
4 25th?

5 MS. RISINGER: Correct, Your Honor. Or whether he
6 had any communications with her through third parties --

7 THE COURT: Yes.

8 MS. RISINGER: -- on or before.

9 THE COURT: All right.

10 MS. RISINGER: I'm sorry. Not on. Before or
11 after June 25th, 2018.

12 THE COURT: And I sort of alluded to that,
13 Mr. Swift, on page 4. And I think we discussed, as well,
14 some foundational questions may actually streamline the
15 questions after that.

16 MR. SWIFT: Yes, Your Honor.

17 THE COURT: Okay.

18 All right. So it seems like -- anything else,
19 Mr. Swift?

20 MR. SWIFT: No, Your Honor.

21 THE COURT: So it seems like we've got the
22 parameters, Court Exhibit Number 1. We've got a pretty good
23 outline of the questions, Court Exhibit Number 2. Both of
24 these will remain under seal. We've got dates. Anything
25 else from the Government?

1 MS. RISINGER: Your Honor, with regards to the
2 Court's proposed trial dates, just so the Court is aware,
3 that does work for the Government. I think Mr. Swift might
4 have --

5 THE COURT: Check with Ms. Levy.

6 MS. RISINGER: I feel pretty comfortable saying
7 that for her, as well. I will double-check, but I am -- like
8 -- I'm 99.9 percent positive.

9 MR. SWIFT: There's no way I can get you to
10 consider the -- the Court to consider January, the end of
11 January, Your Honor?

12 THE COURT: January what?

13 MR. SWIFT: Starting either -- between January
14 26th and January 31st of next year. I do not have a court
15 conflict. I do have prepaid vacation during that period of
16 time.

17 THE COURT: Where?

18 MR. SWIFT: Vail, Colorado. I go every year.

19 THE COURT: Oh, it will still be there.

20 MR. SWIFT: It only --

21 THE COURT: It ain't going nowhere.

22 MR. SWIFT: What's that?

23 THE COURT: Vail is not going anywhere. It will
24 be there.

25 MR. SWIFT: Yes, Your Honor. I asked.

1 THE COURT: See if you can move it up a little
2 bit.

3 MR. SWIFT: Well -- I can't move that, but I can't
4 cancel it. Yeah. It's just money. In the process -- it's
5 -- but I asked.

6 THE COURT: Now we still need to check with
7 Mr. Strianse.

8 MR. SWIFT: Yes. I will check with Mr. Strianse
9 as to whether he's available during those dates.

10 THE COURT: All right.

11 MS. RISINGER: May I ask a follow-up question to
12 that, Your Honor?

13 THE COURT: Sure.

14 MS. RISINGER: Did -- originally the Court, my
15 understanding, was out of pocket for five weeks because of
16 the Ortuna-Lara case.

17 THE COURT: Right. And I got the filing. But
18 just looking at everything that's on my calendar and my
19 life --

20 MS. RISINGER: Okay. So you have other -- thank
21 you.

22 MR. SWIFT: Yeah, there are those things.

23 THE COURT: My sanity.

24 All right. Well, first of all, I appreciate the
25 filings. Obviously it helped expedite today. I appreciate

1 you all educating the Court some more.

2 I'll probably get something officially filed sort
3 of setting up where we are.

4 I've made real clear that I think based on the
5 record, my conversation with Mr. Swift, my view of the video,
6 and the entire record here, this is necessary; it's material;
7 it's helpful and relevant. And I'm going to put something
8 formally in the record as a memorandum opinion. So -- so we
9 can do that.

10 Also, on the record -- I don't think we discussed
11 this. The Court's going to adopt -- no, I didn't.

12 I'm going to adopt the agreement that exists
13 between counsel and -- between the parties regarding the
14 protective measures. You all have agreed. I will adopt
15 those, subject only to the Court exercising its own due
16 diligence.

17 All right. We're done I think. Thank you.

18 (Court adjourned.)
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1 REPORTER'S CERTIFICATE

2
3 I, Lise S. Matthews, Official Court Reporter for
4 the United States District Court for the Middle District of
5 Tennessee, with offices at Nashville, do hereby certify:

6 That I reported on the Stenograph machine the
7 proceedings held in open court on September 10, 2021, in the
8 matter of UNITED STATES OF AMERICA v. GEORGIANNA A.M.
9 GIAMPIETRO, Case No. 2:19-cr-00013; that said proceedings in
10 connection with the hearing were reduced to typewritten form
11 by me; and that the foregoing transcript (pages 1 through 14)
12 is a true and accurate record of said proceedings.

13 This the 20th day of September, 2021.

14
15 /s/ Lise S. Matthews
16 LISE S. MATTHEWS, RMR, CRR, CRC
17 Official Court Reporter
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